IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1725 OF 2007

Muzammil Nazir Kungle. ...Applicant

Versus

The State of Maharashtra ...Respondent.

ALONG WITH

CRIMINAL APPLICATION NO.1727 OF 2007

Saad Abdul Kadir Kungle. ...Applicant

Versus

The State of Maharashtra ...Respondent.

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Mr.M.S.Kadu, Adv. for the Applicant.

Mr.S.S.Pednekar, APP, for the State.

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CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : 21st June, 2007.

P.C.:

1. Heard the learned Advocate for the Applicants and the learned APP for the State.

2. The applicants are seeking anticipatory bail in C.R.No.I-79 of 2007 of Kalyan Taluka Police Station. The said case is mainly under Section 307 of IPC.

3. There was dispute relating to compensation received from Reliance Company by the complainant in respect of gas-pipeline. The applicants alongwith others approached the complainant and demanded the cheque from him. The complainant stated that he cannot hand over the cheque as it is a joint-cheque. On account of this, the applicants and others started abusing and assaulting the complainant with fist blows on his chest and ribs. At that time one of the accused persons pressed his boot clad foot on the stomach of the complainant. On account of this the spleen of the complainant was ruptured and he had to be operated.

4. Mr.Kadu, the learned Advocate for the applicant submitted that the main role is played by original accused No.1 Mohammed and not by the present applicant. However, the FIR which is lodged by the complainant clearly shows the name of the applicants and the fact that the applicants along with other accused persons abused and assaulted him. Many other eye witnesses have also implicated the present applicants.

5. It may be stated here that Shahbaz Nazir Kungle who is the coaccused and who is similarly situated as the present applicants had preferred an application for anticipatory bail which came to be rejected by this Court on 11.6.2007. The case of the applicants is the same as that of Shahbaz Nazir Kungle. Hence, I am not inclined to grant anticipatory bail to the applicants.

6. Appcations are rejected.

(SMT.V.K.TAHILRAMANI,J.)